

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

UMG RECORDINGS, INC., a Delaware corporation; WARNER BROS. RECORDS INC., a Delaware corporation; INTERSCOPE RECORDS, a California general partnership; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; VIRGIN RECORDS AMERICA, INC., a California corporation; and ARISTA RECORDS LLC, a Delaware limited liability company,

Plaintiffs,

vs.

TOM ELLSWORTH,

Defendant.

Case No.: 3:08-cv-00535-WDS-PMF

The Honorable William D. Stiehl

**ORDER FOR DEFAULT JUDGMENT
AND PERMANENT INJUNCTION**

Based upon Plaintiffs' motion for default judgment and permanent injunction, and good cause appearing therefore, it is hereby ordered and adjudged that:

1. Plaintiffs seek the minimum statutory damages of \$750 per infringed work, as authorized under the Copyright Act (17 U.S.C. § 504(c)(1)), for each of the ten sound recordings listed in Exhibit A to the Complaint.

2. Accordingly, having been adjudged to be in default, Defendant shall pay damages to Plaintiffs for infringement of Plaintiffs' copyrights in the sound recordings listed in Exhibit A to the Complaint, in the total principal sum of Seven Thousand Five Hundred Dollars (\$7,500.00).

3. Defendant shall further pay Plaintiffs' costs of suit herein in the amount of Four Hundred Twenty Dollars (\$420.00).

4. Defendant shall be and hereby is enjoined from directly or indirectly infringing Plaintiffs' rights under federal or state law in the following copyrighted sound recordings:

- "Awake," on album "Awake," by artist "Godsmack" (SR# 293-376);
- "Crawling," on album "Hybrid Theory," by artist "Linkin Park" (SR# 288-402);
- "Californication," on album "Californication," by artist "Red Hot Chili Peppers" (SR# 174-922);
- "Break Stuff," on album "Significant Other," by artist "Limp Bizkit" (SR# 279-827);
- "Kryptonite," on album "The Better Life," by artist "3 Doors Down" (SR# 277-407);
- "Freak On a Leash," on album "Follow the Leader," by artist "Korn" (SR# 263-749);
- "Basket Case," on album "Dookie," by artist "Green Day" (SR# 185-457);
- "Bullet With Butterfly Wings," on album "Mellon Collie and the Infinite Sadness," by artist "Smashing Pumpkins" (SR# 183-904);
- "Maria Maria," on album "Supernatural," by artist "Santana" (SR# 289-833);
- "Toxicity," on album "Toxicity," by artist "System of a Down" (SR# 301-897);

5. Defendant shall also be and hereby is enjoined from directly or indirectly infringing any other sound recording, whether now in existence or later created, that is owned or controlled by the Plaintiffs (or any parent, subsidiary, or affiliate record label of Plaintiffs) ("Plaintiffs' Recordings"), including without limitation by using the Internet or any online media distribution system to reproduce (i.e., download) any of Plaintiffs' Recordings, to distribute (i.e., upload) any of Plaintiffs' Recordings, or to make any of

Plaintiffs' Recordings available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiffs.

6. Defendant also shall destroy all copies of Plaintiffs' Recordings that Defendant has downloaded onto any computer hard drive or server without Plaintiffs' authorization and shall destroy all copies of those downloaded recordings transferred onto any physical medium or device in Defendant's possession, custody, or control.

DATED: November 19, 2008

s/*WILLIAM D. STIEHL*

DISTRICT JUDGE